

8 APR 1983

MEMORANDUM FOR: [REDACTED]

Legislation Division, OGC

FROM: [REDACTED]

Director of Information Services, DDA

SUBJECT:

Draft General Services Administration (GSA)
Bill re Access by National Archives and
Records Service to Restricted Records

Reference:

Chief, LD/OGC memorandum dated 30 March 1983;
Same subject (OGC 83-02639)

1. Although the current draft GSA bill is an improvement over the bill proposed in the 97th Congress, in that it requires appropriate national security clearances for National Archives and Records Service (NARS) personnel having access to classified records, it still would cause serious problems. Its provisions appear to nullify, at least in part, the Agency's exemption from the Federal Records Act of 1950, and to undermine the Director's authority under the National Security Act of 1947 to protect intelligence sources and methods from unauthorized disclosure, as well as the Agency's exemption under the CIA Act of 1949 from any law requiring disclosure of organization, functions, names, titles, salaries, or numbers of personnel employed by the Agency. The draft bill also would appear to nullify the "need-to-know" and "third agency rule" provisions of Executive Order 12356, Sections 4.1(a) and 4.1(d).

2. Our experience with NARS personnel appraising Agency records to determine their historical value has been cooperative and they have looked at records throughout the Agency to the extent they indicated was necessary for this purpose. However, in accordance with the DCI's statutory responsibilities under the National Security Act and the CIA Act, we have never granted NARS personnel access to sensitive intelligence information such as agent names and polygraph files. Rather than granting access to such records, we have provided a detailed description of the types of information contained in the records to NARS personnel so they could make their appraisal.

3. We recommend the Agency strongly oppose this draft bill since it would jeopardize the DCI's ability to protect sensitive intelligence information and there is no evidence to indicate that existing laws or Executive orders have been a serious impediment to the exercise of NARS' responsibilities insofar as CIA is concerned.

cc: [REDACTED]

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DDA/OIS/RMD/RSB/ [] (7 April 1983)

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